

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: July 12, 2005
Public Hearing: July 26, 2005

CONTACT PERSON/PHONE: Fred Lopez, 541-4925

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance vacating a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas. Applicant: Zia Homes, Inc. EV05003 (**District 1**)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Subdivision Coordinating Committee (SCC) – Review Only
Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A TEN-FOOT DRAINAGE EASEMENT LOCATED WITHIN A PORTION OF LOT 3, BLOCK 10, RIVER PARK WEST UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS AND A PORTION OF A TEN-FOOT DRAINAGE EASEMENT LOCATED WITHIN A PORTION OF LOT 4, BLOCK 10, RIVER PARK WEST UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City Plan Commission has recommended a vacation of a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas, and the City Council finds that said easements are not needed for public use and should be vacated as recommended; and

WHEREAS, the City of El Paso acknowledges an offer of value for each easement equivalent to their value pursuant to City ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, in consideration of the receipt by the City of El Paso of FIFTY AND NO/100 DOLLARS (\$50.00) and other good and valuable consideration, the sufficiency of which is acknowledged, a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas, as further described in the attached metes and bounds description identified as Exhibit "A" and made a part hereof by reference, be and are hereby vacated, closed and abandoned.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated easements to **Zia Homes, Inc.**

PASSED AND APPROVED this _____ day of _____, 2005.

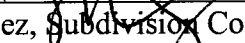
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

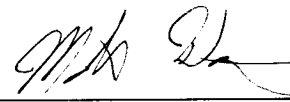
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Subdivision Coordinator
Planning, Research and Development
Department

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
Doc No. 14129

THE STATE OF TEXAS }
COUNTY OF EL PASO }

QUITCLAIM DEED

That, in consideration of the receipt by the CITY OF EL PASO of TWENTY-FIVE AND NO/100 DOLLARS (\$25.00) and other valuable consideration, the sufficiency of which is acknowledged, THE CITY OF EL PASO has released and quitclaimed and by these presents does release and quitclaim unto Zia Homes, Inc., all its rights, title interest, claim and demand in and to the property described as *a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas*, which was vacated, closed and abandoned by Ordinance No. _____, passed and approved by the City Council of the City of El Paso such land more fully described in the attached metes and bounds description, identified as Exhibit "A" and made a part hereof by reference.

WITNESS the following signatures and seal this _____ day of _____, 2005.

THE CITY OF EL PASO

Joyce Wilson
City Manager

APPROVED AS TO CONTENT:

Fred Lopez, Subdivision Coordinator
Planning, Research and Development
Department

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney
Doc No. 14130

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of _____, 2005, by Joyce Wilson, as City Manager of the CITY OF EL PASO.

Notary Public, State of Texas
Notary's Printed or Typed Name:

My Commission Expires:

AFTER FILING RETURN TO:

Zia Homes, Inc.
2244 Trawood Drive #207
El Paso, TX 79935

Being a portion of Lot 3, Block 10
River Park West Unit Two
City of El Paso, El Paso County, Texas
April 19, 2005

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 3, Block 10, River Park West Unit Two as recorded in volume 78, page 83, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument found at the point of intersection centerline Kenneth Capshaw Place in front of lot 10, block 7, River Park West Unit Two, Thence North $08^{\circ}11'34''$ West a distance of 275.86 feet to a point on the centerline of Kenneth Capshaw Place; Thence leaving said centerline South $89^{\circ}49'00''$ West a distance of 26.32 feet to a point on the intersection of the of the southerly line of a 10 feet Drainage Easement with the westerly right of way line of Kenneth Capshaw Place for THE "TRUE POINT OF BEGINNING"

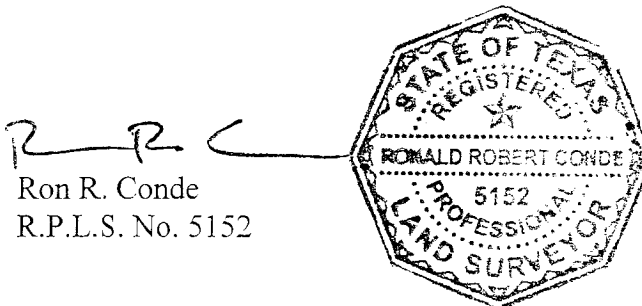
Thence along said Drainage Easement South $89^{\circ}49'00''$ West a distance of 109.60 feet to a point on the westerly line of lot 3, block 10;

Thence along said line North $00^{\circ}11'00''$ West a distance of 1.00 feet to a Point;

Thence leaving said line North $89^{\circ}49'00''$ East a distance of 109.45 feet to a point on the westerly right of way line of Kenneth Capshaw Place;

Thence along said right of way line 1.01 feet along the arc of a curve to the left whose radius is 401.00 feet whose interior angle is $00^{\circ}08'40''$ whose chord bears South $08^{\circ}47'35''$ East a distance of 1.01 feet to the "TRUE POINT OF BEGINNING" and containing 110 Square Feet or 0.0025 acres of land more or less.

NOTE: Bearings based on centerline monumentation of Kenneth Capshaw Place as shown on plat of River Park West Unit Two recorded in Volume 78, Page 83, Plat Records, of El Paso County, Texas



LGL-05\405-58

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

FV05003

Being a portion of Lot 4, Block 10
River Park West Unit Two
City of El Paso, El Paso County, Texas
April 19, 2005

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Lot 4, Block 10, River Park West Unit Two as recorded in volume 78, page 83, Plat records City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing city monument found at the point of intersection centerline Kenneth Capshaw Place in front of lot 10, block 7, River Park West Unit Two, Thence North $08^{\circ}10'29''$ West a distance of 296.05 feet to a point on the centerline of Kenneth Capshaw Place; Thence leaving said centerline South $89^{\circ}49'00''$ West a distance of 26.14 feet to a point on the intersection of the of the northerly line of a 10 feet Drainage Easement with the westerly right of way line of Kenneth Capshaw Place for THE "TRUE POINT OF BEGINNING"

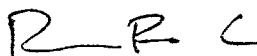
Thence along said right of way line 2.01 feet along the arc of a curve to the left whose radius is 401.00 feet whose interior angle is $00^{\circ}17'14''$ whose chord bears South $06^{\circ}07'41''$ East a distance of 2.01 feet to a point;

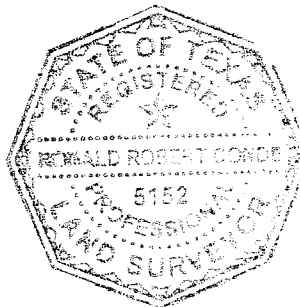
Thence leaving said right of way line South $89^{\circ}49'00''$ West a distance of 107.27 feet to a Point on the westerly line of lot 4, block 10;

Thence along said line North $00^{\circ}11'00''$ West a distance of 2.00 feet to a point;

Thence leaving said line North $89^{\circ}49'00''$ East a distance of 107.06 feet to the "TRUE POINT OF BEGINNING" and containing 214 Square Feet or 0.0049 acres of land more or less.

NOTE: Bearings based on centerline monumentation of Kenneth Capshaw Place as shown on plat of River Park West Unit Two recorded in Volume 78, Page 83, Plat Records, of El Paso County, Texas


Ron R. Conde
R.P.L.S. No. 5152



LGL-05\405-57

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

STAFF REPORT

Application No: EV05003

Legal Description: A portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, El Paso, El Paso County, Texas

Type Request: Drainage Easement Vacation

Property Owner: Zia Homes, Inc.

Surveyor: Conde, Inc.

Location: North of Artcraft Road and West of Upper Valley Road

Representative District: 1

Planning Area: Northwest

**CITY PLAN COMMISSION HEARING, JUNE 02, 2005,
1:30 P.M., COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Easement Vacation Application: EV05003

GENERAL INFORMATION:

The applicant is requesting the vacation a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two. The applicant is requesting the vacation so that a single-family residential dwelling can be constructed on each lot without encroaching into the drainage easement. The applicant is only proposing to vacate the area as shown on the survey maps in a red color.

STAFF RECOMMENDATION:

The Development Coordinating Committee unanimously recommends **APPROVAL** of vacating a portion of a ten-foot drainage easement located within a portion of Lot 3, Block 10, River Park West Unit Two and a portion of a ten-foot drainage easement located within a portion of Lot 4, Block 10, River Park West Unit Two, subject to the following requirements:

El Paso Electric Comments:

El Paso Electric Company does not object to this request.

Texas Gas Service

Texas Gas Service Aerials T-44 and T-32 do not indicate existing gas lines at the proposed drainage vacation limits. There are no objections to the proposed vacation of Public Easements and Right-of-Way.

El Paso Water Utilities Comments:

We have reviewed the above described easement vacation request and provide the following comments:

General

The El Paso Water Utilities – Public Service Board (EPWU-PSB) does not own nor operate existing facilities within the referenced Utility Easement. The existing water and sanitary sewer facilities are located within the public right-of-way of Kenneth Capshaw Place.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

The El Paso Water Utilities (EPWU) does not object to this request.

Engineering Department Comments and Requirements:

No objections to the proposed easement vacation.

Engineering Traffic Division

No apparent traffic concerns with the proposed easement vacation.

Additional Requirements and General Comments:

1. Submittal of a survey map identifying the proposed portion of the easements to be vacated for each lot that reflects the metes and bounds.
2. Submittal of a \$25.00 fee for consideration of the City of El Paso's value of the easement is required.

NOTE TO PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR HIS REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REPORT, PLEASE CONTACT THE DEPARTMENT OF PLANNING AT 541-4635.

GENERAL LOCATION MAP



AERIAL MAP

EV05003



(Portion to be vacated shown in red)



(Portion to be vacated shown in red)

